

Ferris State University

Substance Abuse Prevention and Health Promotion Committee Meeting

February 5, 2005 11AM-12PM

Attendance: Jim Van Treese, Jessica Rush, Mary Roehrig, Joe Wist, Mary Steeno, Matt Johnson, Stephen Poland, Richard Hult, Keith Jewett, Mike Finch, Pete Balanda, Alison Stone

Jim Van Treese called meeting to order.

Minutes from November, 2004 reviewed and approved

Guest Speaker: Mr. Manuel R. Rupe, J.D., Assistant General Counsel, Office of the General Counsel was a guest speaker. The following are questions emailed to Manuel in advance of the meeting and his prepared answers. The rest of the meeting was general discussion about responsibilities and liabilities of faculty concerning students and alcohol.

1. Confronting a student whom you believe has a substance abuse problem:
 - A. Do it privately (i.e. not in the presence of others) – no defamation
 - B. When you do have physical evidence (i.e. student consuming alcohol in your classroom) then address the behaviors that lead you to believe the student may have a substance abuse problem – sometimes these behaviors are manifestations of other problems unrelated to substance abuse – such as victims of domestic violence or abuse
2. Not addressing a student who has a substance abuse problem, and then something happens:
 - A. Faculty members generally have no legal obligation to identify substance abuse problems or to intervene when they believe a student may have such problem. However, many professional organizations take the position that professors have an ethical obligation to intervene or to recommend a student seek assistance through the counseling center or a substance abuse program.
3. As an advisor to a student group and present at a function where alcohol is present.
 - A. Advising a student group is generally *not* part of your professional responsibilities to the university so it's essentially outside of the scope of the General Counsel Office's responsibilities. However, university policy through the Office of the Vice President of Academic Affairs is that faculty members are not to be present with students at functions where alcohol is being served so my recommendation is that you should avoid events where alcohol is being served or consumed. Additionally, if you are an advisor to a student organization that is hosting events that serve alcohol, you should have the student organization paying for a general comprehensive liability policy, presumably as an addendum to your home owner's policy, to cover you.
4. How do you deal with older students who are at least 21 and drink at social but university related events?
 - A. You are not responsible for making decisions for other adults. However, for university related events – such as academic alumni gatherings or other social events generally associated with an academic program, you are welcome to prohibit all students from consuming alcohol if they are attending the event – but the real issues are (a) what is the purpose of the event; (b) is alcohol consistent with the event's purpose; and (c) if alcohol is to be available, can we, or should we, limit who may or may not drink?
5. When should you dismiss a student from a class or class-related activity because of suspected alcohol impairment?
 - A. This is a professional determination to be made by faculty in the exercise of their professional discretion. However, a disruptive student may be dismissed, and probably should be dismissed for interfering with the educational process.

- B. If you ask a student to you leave your class you have no legal obligation to: (a) decide what the student does after the student leaves class; and (b) determine what the student did after they left the class.
6. What should the university be doing each semester to provide legal and policy advice and training regarding these issues?
- A. OGC is always willing to meet, discuss and present on different legal issues – many different options – most important is to identify topics or issues of importance and share them with the OGC.

Next meeting March 15, 2005 at Birkham Guidance Center